

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

GURJEET KAUR, *et al.*

:

Plaintiffs,

:

v.

Case No. 2:10 cv 961

:

Judge Graham

SUNSHINE HOSPITALITY, LLC.

et al.

[Magistrate Deavers]

:

Defendants.

**PLAINTIFFS' MEMORANDUM CONTRA TO DEFENDANTS' MOTION TO
DISMISS FOR LACK OF DIVERSITY JURISDICTION**

Plaintiffs originally filed this action with two Utah domiciled plaintiffs, and named two California individuals and an Ohio company as defendants. Diversity jurisdiction was irrefutably established. Subsequently, plaintiffs amended the complaint to, among other things, add two party plaintiffs who allege that they were also victims of the alleged fraud perpetuated by defendants. These plaintiffs have interests virtually identical to those of the other plaintiffs, and they do not desire to maintain two lawsuits, or to waste valuable judicial resources. Still, while this Court originally possessed jurisdiction, plaintiffs must acknowledge that there is authority which holds that jurisdiction may be lost through the amendment of a complaint that joins non diverse parties. Authority also holds that the issue may be raised at any time, even an appeal. To eliminate this risk, plaintiffs herein have elected to file this case in the Court of Common Pleas, Union County, Ohio, where they may collectively seek recovery against defendants. *See* exhibit A (*attached*).

Respectfully submitted,

s/John E. Breen

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 20th day of June, 2011, upon all counsel of record via filing electronically with the clerk of courts herein.

S/John E. Breen

JOHN E. BREEN (0015142)